



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,146	11/17/2000	Christopher T. Boyle	6006-018	6734

7590 06/05/2007
ROSENBAUM & ASSOCIATES, P.C.
650 DUNDEE ROAD
SUITE 380
NORTHBROOK, IL 60062

EXAMINER

MILLER, CHERYL L

ART UNIT	PAPER NUMBER
----------	--------------

3738

MAIL DATE	DELIVERY MODE
-----------	---------------

06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09716146	11/17/00	BOYLE, CHRISTOPHER T.	6006-018

ROSENBAUM & ASSOCIATES, P.C.
650 DUNDEE ROAD
SUITE 380
NORTHBROOK, IL 60062

EXAMINER

Cheryl Miller

ART UNIT	PAPER
3738	20070523

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached.

Art Unit: 3738

This communication is in response to the order of return to the examiner from the Board of Patent Appeals and Interferences. BPAI indicated:

- 1) The IDS filed on 9/11/2006 was not acknowledged and considered by the examiner and
- 2) Applied reference WO 94/18906 was not found in the application

The examiners response is as follows:

- 1) The IDS filed 9/11/2006 has been acknowledged by the examiner, however listed reference could not be considered by the examiner since applicant does not comply with 37 CFR 1.99, as the reference was not filed within 2 month of the publication date (earlier date to the filing of a notice of allowance) and the fee set forth under 1.17(p) was not paid. Further, since the filing is after a final rejection, it would seem the IDS would be considered under 1.97(d), instead of 1.99 as indicated by the applicant. A copy of the IDS has been attached hereto.
- 2) Reference Monaco et al. WO 94/18906, applied in the final rejection was initially cited by the applicant in an IDS filed 2/12/2003, in which a paper copy was provided to the examiner by the applicant (occurring prior to the date of the scanning of foreign patents). Because the paper copy was not scanned into the system, a courtesy copy has been provided (attached hereto) by the examiner for the BPAI to review.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Miller whose telephone number is (571) 272-4755. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

Art Unit: 3738

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheryl Miller



**CORRINE McDERMOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**